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\*Admitted only in Maryland  
+ Admitted only in Virginia  
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Federal Agencies

July 20, 2007

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1643**

**Attn: Mail Stop Issue Fee**

Re: U.S. Utility Patent Application  
Application No. 09/824,787; Filed: April 4, 2001  
For: **Gene Differentially Expressed in Breast and Bladder Cancer, and  
Encoded Polypeptides**  
Inventors: ZAUDERER *et al.*  
Our Ref: 1821.0040001/EKS/T-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Copy of the Notice to File Corrected Application Papers;
2. Reply to Notice to File Corrected Application Papers and Submission of Replacement Drawing Sheets in Compliance with 37 C.F.R. § 1.121; and
3. Four (4) Replacement Sheets of Drawings: Figures 4A-4C, 16A, 16B, and 17A-17B.

The above-listed documents are filed electronically through EFS-Web.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
July 20, 2007  
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy L. Muller  
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T-M/ybh  
Enclosures

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Serial No. : 09/824,787  
Applicant: Zauderer  
Filing Date : 04/04/01  
Date Mailed : 05/23/07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. **This period for reply is NOT extendable under 37 CFR 1.136(a).**

See attachment.

*A copy of this notice MUST be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

**L. Fletcher** \_\_\_\_\_  
Your name  
Office of Patent Publication  
Phone: 703-308-9250, ext. 143

## IDENTIFICATION OF DRAWING DEFICIENCIES

- There is a hole or the image thereof within the illustration. FIG(s)\_\_\_\_\_
- The character of the lines, numbers and letters is poor. FIG(s)\_\_\_\_\_
- The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s)\_\_\_\_\_
- An ink stamp or an image obscures part of the illustration. FIG(s)\_\_\_\_\_
- The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s)\_\_\_\_\_
- Figure numbers are duplicated or missing. FIG(s)\_\_\_\_\_
- Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s)\_\_\_\_\_
- The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s)\_\_\_\_\_
- The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s)\_\_\_\_\_
- Data, a reference number, or part of the drawing is truncated or missing. FIG(s)\_\_\_\_\_
- The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s)\_\_\_\_\_
- The drawing and/or the FIG. label contain(s) foreign language. FIG(s)\_\_\_\_\_
- Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met\*:
  - Petition filed
  - Petition fee
  - 3 sets of color drawings
  - Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.381.

COMMENTS: **Figs. 4C and 17B have figure label cut off.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER *et al.*

Application No.: 09/824,787

Filed: April 4, 2001

For: **Gene Differentially Expressed in  
Breast and Bladder Cancer, and  
Encoded Polypeptides**

Confirmation No.: 2970

Art Unit: 1643

Examiner: Harris, Alana M.

Atty. Docket: 1821.0040001/EKS/T-M

**Reply to Notice to File Corrected Application Papers and Submission of  
Replacement Drawing Sheets in Compliance with 37 C.F.R. § 1.121**

*Attn: Mail Stop Issue Fee*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Corrected Application Papers dated May 22, 2007<sup>1</sup>, Applicants submit herewith four (4) replacement sheets of Figures 4A-4C (sheet 1 of 4), 16A (sheet 2 of 4), 16B (sheet 3 of 4), and 17A-17B (sheet 4 of 4).

Amendments to the drawings begin on page 2.

Remarks begin on page 3.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

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<sup>1</sup> Applicants note that the Notice gave two different mailing dates. The cover page of the Notice indicates that the mailing date was May 22, 2007, while the first page of the Notice indicates that the mailing date was May 23, 2007. This Reply is being filed within 60 days of either date and is therefore timely.

***Amendments to the Drawings***

Please replace Figures 4A-4C, 16A, 16B, and 17A-B in the captioned application with Replacement Sheets 1-4 of Figures 4A-4C, 16A, 16B and 17A-B, appended hereto.

***Remarks***

In the Notice to File Corrected Application Papers dated May 22, 2007 ("the Notice"), the Office stated that "Figs. 4C and 17B have figure label cut off."

The 28 sheets of formal drawings in the captioned application were filed on January 14, 2003, in full compliance with 37 C.F.R. §1.84. However, some of the drawings as captured on the USPTO's IFW system (viewed through the Patent Application Information Retrieval system, "PAIR") appear to be missing a portion of the text at the bottom margin as a result of an error in scanning or some other error associated with uploading the documents to the IFW.

In the Notice, the Office pointed specifically to Figures 4C and 17B as having text cut off. However, a review of all of the drawings as they appear in the IFW on PAIR shows that a portion of the text at the bottom margin of Figures 16A and 16B was also cut off. Specifically, the beginning letter "B" was cut off of the word "Bladder" in Figure 16A and the beginning letter "B" was cut off the word "Breast" in Figures 16A and 16B. Applicants' undersigned representative spoke with Mr. L. Fletcher in the Office of Patent Publications on July 16, 2007. He confirmed that Replacement Sheets for Figures 16A and 16B could also be submitted with the Reply to the Notice. This Reply addresses informalities in the drawings that were created by USPTO error during entry onto the IFW system. Therefore it is properly within the Waiver of 37 C.F.R. §1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004).

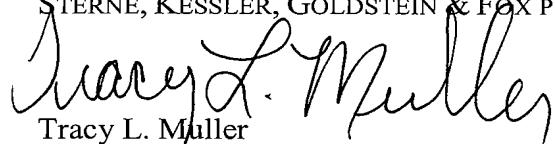
Replacement Sheets 1-4, corresponding respectively to Figures 4A-4C, 16A, 16B, and 17A-17B, submitted herewith are the same as Drawing Sheets 5 and 26-28,

respectively (corresponding respectively to Figures 4A-4C, 16A, 16B, and 17A-17B) that were filed on January 14, 2003. Replacement Sheets 1-4, corresponding respectively to Figures 4A-4C, 16A, 16B, and 17A-17B, do not add new matter, and their entry is respectfully requested so that the captioned application may proceed to issuance.

If the Office believes, for any reason, that personal communication will expedite prosecution of this application, a representative of the Office is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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